

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MICHALE J. AVELLI,

Plaintiff,

-against-

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.  
-----X

JUDGMENT  
07-CV- 3835 (JG)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ JUN 20 2008 ★

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

An Order of Honorable John Gleeson, United States District Judge, having been filed on June 18, 2008, reversing the decision of the Commissioner of Social Security ("the Commissioner"); remanding plaintiff's claim for further administrative proceedings, including but not limited to, a supplemental hearing, and further development of the record; ordering that on remand, the Commissioner will affirm the favorable finding that plaintiff is disabled, beginning October 24, 2002; and further ordering that on remand, the Administrative Law Judge ("ALJ") will determine whether plaintiff is entitled to a period of disability and disability insurance benefits from the alleged date of onset, March 19, 1998 through October 23, 2002, based on the application dated August 11, 1998; and that on remand, if it is determined that plaintiff recovered an overpayment of benefits, the Administrative Law Judge will evaluate the evidence and consider the factors set forth in 20 C.F.R. § 404.507, make findings, and issue a new decision; it is

ORDERED and ADJUDGED that the Commissioner of Social Security (the "Commissioner") is reversed, pursuant to the fourth sentence of 42 U.S.C. § 405(g); that plaintiff's claim is remanded for further administrative proceedings, including but not limited to, a supplemental hearing, and further development of the record; that it is further,

JUDGMENT  
07-CV- 3825 (JG)

ORDERED and ADJUDGED that on remand, the Commissioner will affirm the favorable finding that plaintiff is disabled, beginning October 24, 2002; that it is further,

ORDERED and ADJUDGED that on remand, the Administrative Law Judge ("ALJ") will determine whether plaintiff is entitled to a period of disability and disability insurance benefits from the alleged date of onset, March 19, 1998 through October 23, 2002, based on the application dated August 11, 1998; and that is further,

ORDERED and ADJUDGED that on remand, if it is determined that plaintiff recovered an overpayment of benefits, the Administrative Law Judge will evaluate the evidence and consider the factors set forth in 20 C.F.R. § 404.507, make findings, and issue a new decision.

Dated: Brooklyn, New York  
June 20, 2008

ROBERT C. HEINEMANN  
Clerk of Court

By Terry Vaughn  
Chief Deputy